

PAUL ALSTON 1126
JASON H. KIM 7128
ALSTON HUNT FLOYD & ING
1001 Bishop Street, Suite 1800
Honolulu, Hawai'i 96813
Telephone: (808) 524-1800
Facsimile: (808) 524-4591
E-mail: palston@ahfi.com
jkim@ahfi.com

JOHN P. DELLERA 6602
MATTHEW C. BASSETT 6443
HAWAI'I DISABILITY RIGHTS CENTER
900 Fort Street, Suite 1040
Honolulu, Hawai'i 96813
Telephone: (808) 949-2922
Facsimile: (808) 949-2928
E-mail: john@hawaiidisabilityrights.org
mattbassettesq@gmail.com

Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

R.P.-K., through his parent C.K.,
R.T.D., through his parents R.D. and
M.D., B.P., through her parent M.P.,
and C.B., through his parent N.B., for
themselves and on behalf of a class of
those similarly situated, and the
HAWAII DISABILITY RIGHTS
CENTER, in a representative capacity
on behalf of its clients and all others
similarly situated,

Plaintiffs,

vs.

DEPARTMENT OF EDUCATION,

CIVIL NO. CV10 00436 DAE-KSC
(Other Civil Action)

**PLAINTIFFS' MOTION FOR
CLASS CERTIFICATION;
MEMORANDUM IN SUPPORT OF
MOTION; CERTIFICATE OF WORD
COUNT; DECLARATION OF PAUL
ALSTON; DECLARATION OF JOHN
DELLERA; EXHIBITS "A"-"J";
DECLARATION OF C.K.;
EXHIBITS "1" – "4";
DECLARATION OF R.D.;
EXHIBITS "1" – "5";
DECLARATION OF M.P.;
DECLARATION OF N.B.;**

State of Hawai‘i,

Defendants.

EXHIBITS “1” – “4”; CERTIFICATE
OF SERVICE

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs R.P.-K., through his parent C.K., R.T.D., through his parents R.D. and M.D., B.P., through her parent M.P., and C.B., through his parent N.B., for themselves and on behalf of a class of those similarly situated, and the HAWAII DISABILITY RIGHTS CENTER, in a representative capacity on behalf of its clients and all others similarly situated, move for an order certifying the following class for injunctive, declaratory, and ancillary relief under Federal Rules of Civil Procedure Rule 23(b)(2):

The Class: All individuals residing in the State of Hawai‘i who over the age of 20 on or before the first instructional day of the school year (or who will imminently be over the age of 20 on that date) but under the age of 22 who are entitled to receive special education and related services from Defendant the Hawai‘i Department of Education under the Individuals With Disabilities Education Act.

Plaintiffs also request that their counsel be appointed class counsel under Rule 23(g).

This Motion is brought under Rules 7(b) and 23(b)(2) and the Local Rules for the District Court for the District of Hawai‘i Rule 7.2. This Motion is supported by the attached Memorandum, the attached declarations and exhibits, the

records and file in this case, and any additional matters that may be presented at or before hearing.

DATED: Honolulu, Hawai'i, September 24, 2010.

/s/ Jason H. Kim

JOHN P. DELLERA

MATTHEW C. BASSETT

PAUL ALSTON

JASON H. KIM

Attorneys for Plaintiffs